

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,  
Plaintiff,

v.

C.A. NO. 05-CV-10879-JLT

COLUMBIA SUSSEX CORPORATION  
d/b/a WESTIN CASUARINA HOTEL,  
STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., WESTIN LICENSE  
COMPANY, WESTIN LICENSE  
COMPANY NORTH, INC., WESTIN  
MANAGEMENT COMPANY EAST,  
WESTIN NORTH AMERICA  
MANAGEMENT COMPANY, INC.,  
GALLEON BEACH RESORT, LTD., and  
CORPORATE DEFENDANTS X1-100,  
Defendants.

DEFENDANT COLUMBIA SUSSEX CORP.'S STATEMENT  
IN ACCORDANCE WITH L.R. 26.1(B)(2)

In accordance with the provisions of L.R. 26.1(B)(2), I, ~~Kaseo Kaniguzki~~, on  
behalf of Defendant Columbia Sussex Corp. hereby depose and say as follows:

- a. Defendant Columbia Sussex does not know of anyone who witnessed the incident referenced in the plaintiff's complaint. From information received from other parties, Defendant Columbia Sussex believes that Denzil Luke, whose statement is attached, may have some discoverable information regarding the plaintiff's claim.
- b. Defendant Columbia Sussex has not obtained statements from any opposing party.

- c. Defendant Columbia Sussex believes that the Royal Cayman Islands Police (RCIP) investigated the incident referenced in the plaintiff's complaint. A copy of correspondence from the RCIP concerning this incident is attached.

Karrie Kanyer

ON THIS 20 DAY OF APRIL, 2006, \_\_\_\_\_, came before me and known to me and signed the within document

Colleen Machinski

NOTARY PUBLIC

COLLEEN MACHCINSKI  
Notary Public, Kentucky State at Large  
My Commission Expires Sept. 16, 2008

May 3, 2005

On the night of May 3 2002, I was asked by the bartender to call the Manager on Duty for a young lady who said that she was molested. The Manager on Duty was called and he spoke to her in the lobby area of the hotel. After briefly speaking with the lady, he asked me to call the police because the lady said that she had been raped. The police was immediately called to investigate the matter.

While we were waiting for the police, we tried to calm the lady down since she appeared to be distraught. At this time we asked her what took place. She said that on her way home from the supermarket she decided to make a diversion through an access way that leads to the beach since it would be a shorter route home. This access way is at the north end of the hotel and lies between the Governors Ball Room and the main hotel building. The lady said that as she proceeded through the access way a man held her and dragged her into the restroom located beside the ball room. The police arrived shortly after and they were escorted by the Manager on Duty and the lady to the scene of the crime.

Denzil Luke

## ROYAL CAYMAN ISLANDS POLICE

Tel No. (345) -949-4222  
Ext 2917

Fax No. (345)-949-6472

Our Ref: CACT00002266

Your Ref:MLA/ch



PO Box 909  
Grand Cayman  
Cayman Islands  
British West Indies

September 27, 2005

**Michael Alberga  
2<sup>nd</sup> Floor, Harbour Place  
103 South Church Street  
Grand Cayman**

**Re: Westin Hotel Alleged Rape of Kim Generux**

**Dear Sir,**

**I do acknowledge your request as it relates to the subject and do apologize for our late response.**

**A report was made on the 3<sup>rd</sup> may 2002 at 11:23PM by Kim Generux stating that she was raped by an unknown male while she was at the bathroom at the Westin Hotel.**

**According to the complainant she was returning from shopping at Fosters in the Strand. She was walking on the side walk heading to her Villa at # 20 Plantana Villa, on West Bay Road . As soon as she arrived at the first entrance to Westin Resort, she observed a vehicle which drove along side her. The male Driver asked her if she needed a ride. She told him no. She continued walking on the side walk, but decided as she arrived closer to Governor's Residence to walk through the Westin Parking Lot. Miss Generux did so in efforts that the driver would not know where she was residing. She then thought it was best to remain in the restroom for a while, which she did.**

**Shortly after while she was in the unit with the door closed she observed a male from the waist down. She couldn't have gotten much details of his face because of the type of doors, which had wooden type blades in the middle. This person left and returned minutes after. He switched off the lights and banged on the door eventually breaking it.**

**He then placed a sharp object to her neck and demanded that she performed him oral sex on him. He also told her not to scream and threatened he would kill her if he did. She then performed Oral Sex on him, after which he placed his penis inside her vagina and proceeded to rape. After he was finished, he used her underwear to wipe himself off. The suspect then left, after which the victim turned on the lights and made her way to the Westin Lobby and made a complaint.**

**Subsequently the Police were notified, attended the scene and then transported Victim to the Georgetown Hospital where she was examined and a victim sex kit completed. Her clothing along with the underwear were also collected to be examined. A statement was recorded from victim giving details of the incident.**

**The Doctor who conducted the examination of victim confirmed bleeding in the vagina with a 1.5 CM laceration on vaginal floor. Two seminal fluid were detected on the interior section of her skirt and on the mid section of her underwear (crouch area). No seminal fluid was detected on the oral swabs.**

**Officers involved in the investigation, conducted door to door inquiries, however no useful information was gathered. She was also taken on a drive along with officers with the hope of identifying a suspect.**

**Officers who attended the scene observed that when the light in the bathroom is turned off, it is so dark that one can't see the palm of the hands directly in front of their face.**

**This particular crime was fully investigated and several persons were arrested, interviewed, processed and later bailed. DNA results confirmed that those persons were cleared, subsequently, no charges have been laid. From since this**

incident all persons who have been arrested on suspicion of rape  
have their DNA profile fed into the database for comparison. To

into there have been no hits.

SEP 27 2005  
Eugene Joseph CPS  
Detective Sergeant

Specialist Support Operation  
Royal Cayman Island Police